



General Assembly

February Session, 2002

Amendment

LCO No. 4001

HB0562704001HD0

Offered by:

REP. O'ROURKE, 32nd Dist.

REP. GRAZIANI, 57th Dist.

To: Subst. House Bill No. 5627

File No. 299

Cal. No. 178

**"AN ACT CONCERNING THE DISCLOSURE OF SECURITY
INFORMATION UNDER THE FREEDOM OF INFORMATION ACT."**

1 Strike everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. Subsection (b) of section 1-210 of the general statutes, as
4 amended by section 1 of public act 01-26, is repealed and the following
5 is substituted in lieu thereof (*Effective October 1, 2002*):

6 (b) Nothing in the Freedom of Information Act shall be construed to
7 require disclosure of:

8 (1) Preliminary drafts or notes provided the public agency has
9 determined that the public interest in withholding such documents
10 clearly outweighs the public interest in disclosure;

11 (2) Personnel or medical files and similar files the disclosure of
12 which would constitute an invasion of personal privacy;

13 (3) Records of law enforcement agencies not otherwise available to
14 the public which records were compiled in connection with the
15 detection or investigation of crime, if the disclosure of said records
16 would not be in the public interest because it would result in the
17 disclosure of (A) the identity of informants not otherwise known or the
18 identity of witnesses not otherwise known whose safety would be
19 endangered or who would be subject to threat or intimidation if their
20 identity was made known, (B) signed statements of witnesses, (C)
21 information to be used in a prospective law enforcement action if
22 prejudicial to such action, (D) investigatory techniques not otherwise
23 known to the general public, (E) arrest records of a juvenile, which
24 shall also include any investigatory files, concerning the arrest of such
25 juvenile, compiled for law enforcement purposes, (F) the name and
26 address of the victim of a sexual assault under section 53a-70, 53a-70a,
27 53a-71, 53a-72a, 53a-72b or 53a-73a, or injury or risk of injury, or
28 impairing of morals under section 53-21, or of an attempt thereof, or
29 (G) uncorroborated allegations subject to destruction pursuant to
30 section 1-216;

31 (4) Records pertaining to strategy and negotiations with respect to
32 pending claims or pending litigation to which the public agency is a
33 party until such litigation or claim has been finally adjudicated or
34 otherwise settled;

35 (5) (A) Trade secrets, which for purposes of the Freedom of
36 Information Act, are defined as information, including formulas,
37 patterns, compilations, programs, devices, methods, techniques,
38 processes, drawings, cost data, or customer lists that (i) derive
39 independent economic value, actual or potential, from not being
40 generally known to, and not being readily ascertainable by proper
41 means by, other persons who can obtain economic value from their
42 disclosure or use, and (ii) are the subject of efforts that are reasonable
43 under the circumstances to maintain secrecy; and

44 (B) Commercial or financial information given in confidence, not
45 required by statute;

46 (6) Test questions, scoring keys and other examination data used to
47 administer a licensing examination, examination for employment or
48 academic examinations;

49 (7) The contents of real estate appraisals, engineering or feasibility
50 estimates and evaluations made for or by an agency relative to the
51 acquisition of property or to prospective public supply and
52 construction contracts, until such time as all of the property has been
53 acquired or all proceedings or transactions have been terminated or
54 abandoned, provided the law of eminent domain shall not be affected
55 by this provision;

56 (8) Statements of personal worth or personal financial data required
57 by a licensing agency and filed by an applicant with such licensing
58 agency to establish the applicant's personal qualification for the
59 license, certificate or permit applied for;

60 (9) Records, reports and statements of strategy or negotiations with
61 respect to collective bargaining;

62 (10) Records, tax returns, reports and statements exempted by
63 federal law or state statutes or communications privileged by the
64 attorney-client relationship;

65 (11) Names or addresses of students enrolled in any public school or
66 college without the consent of each student whose name or address is
67 to be disclosed who is eighteen years of age or older and a parent or
68 guardian of each such student who is younger than eighteen years of
69 age, provided this subdivision shall not be construed as prohibiting the
70 disclosure of the names or addresses of students enrolled in any public
71 school in a regional school district to the board of selectmen or town
72 board of finance, as the case may be, of the town wherein the student
73 resides for the purpose of verifying tuition payments made to such
74 school;

75 (12) Any information obtained by the use of illegal means;

76 (13) Records of an investigation or the name of an employee
77 providing information under the provisions of section 4-61dd;

78 (14) Adoption records and information provided for in sections 45a-
79 746, 45a-750, as amended, and 45a-751;

80 (15) Any page of a primary petition, nominating petition,
81 referendum petition or petition for a town meeting submitted under
82 any provision of the general statutes or of any special act, municipal
83 charter or ordinance, until the required processing and certification of
84 such page has been completed by the official or officials charged with
85 such duty after which time disclosure of such page shall be required;

86 (16) Records of complaints, including information compiled in the
87 investigation thereof, brought to a municipal health authority pursuant
88 to chapter 368e or a district department of health pursuant to chapter
89 368f, until such time as the investigation is concluded or thirty days
90 from the date of receipt of the complaint, whichever occurs first;

91 (17) Educational records which are not subject to disclosure under
92 the Family Educational Rights and Privacy Act, 20 USC 1232g;

93 (18) Records, the disclosure of which the Commissioner of
94 Correction, or as it applies to Whiting Forensic Division facilities of the
95 Connecticut Valley Hospital, the Commissioner of Mental Health and
96 Addiction Services, has reasonable grounds to believe may result in a
97 safety risk, including the risk of harm to any person or the risk of an
98 escape from, or a disorder in, a correctional institution or facility under
99 the supervision of the Department of Correction or Whiting Forensic
100 Division facilities. Such records shall include, but are not limited to:

101 (A) Security manuals, including emergency plans contained or
102 referred to in such security manuals;

103 (B) Engineering and architectural drawings of correctional
104 institutions or facilities or Whiting Forensic Division facilities;

105 (C) Operational specifications of security systems utilized by the

106 Department of Correction at any correctional institution or facility or
107 Whiting Forensic Division facilities, except that a general description
108 of any such security system and the cost and quality of such system
109 may be disclosed;

110 (D) Training manuals prepared for correctional institutions and
111 facilities or Whiting Forensic Division facilities that describe, in any
112 manner, security procedures, emergency plans or security equipment;

113 (E) Internal security audits of correctional institutions and facilities
114 or Whiting Forensic Division facilities;

115 (F) Minutes or recordings of staff meetings of the Department of
116 Correction or Whiting Forensic Division facilities, or portions of such
117 minutes or recordings, that contain or reveal information relating to
118 security or other records otherwise exempt from disclosure under this
119 subdivision;

120 (G) Logs or other documents that contain information on the
121 movement or assignment of inmates or staff at correctional institutions
122 or facilities; and

123 (H) Records that contain information on contacts between inmates,
124 as defined in section 18-84, and law enforcement officers;

125 (19) Records [, the disclosure of which the Commissioner of Public
126 Works or, in the case of records concerning Judicial Department
127 facilities, the Chief Court Administrator, has] when there are
128 reasonable grounds to believe disclosure may result in a safety risk,
129 including the risk of harm to any person, any [state-owned]
130 government-owned or leased institution or facility or any fixture or
131 appurtenance and equipment attached to, or contained in, such
132 institution or facility, except that such records shall be disclosed to a
133 law enforcement agency upon the request of the law enforcement
134 agency. Such reasonable grounds shall be determined (A) with respect
135 to records concerning any executive branch agency of the state or any
136 municipal, district or regional agency, by the Commissioner of Public

137 Works, after consultation with the chief executive officer of the agency;
138 (B) with respect to records concerning Judicial Department facilities,
139 by the Chief Court Administrator; and (C) with respect to records
140 concerning the Legislative Department, by the executive director of the
141 Joint Committee on Legislative Management. As used in this section,
142 "government-owned or leased institution or facility" includes, but is
143 not limited to, an institution or facility owned or leased by a public
144 service company, as defined in section 16-1, as amended, a certified
145 telecommunications provider, as defined in section 16-1, as amended,
146 or a municipal utility that furnishes electric, gas or water service, but
147 does not include an institution or facility owned or leased by the
148 federal government, and "chief executive officer" includes, but is not
149 limited to, an agency head, department head, executive director or
150 chief executive officer. Such records [shall] include, but are not limited
151 to:

152 [(A)] (i) Security manuals or reports; [, including emergency plans
153 contained or referred to in such security manuals;]

154 [(B)] (ii) Engineering and architectural drawings of [state-owned]
155 government-owned or leased institutions or facilities;

156 [(C)] (iii) Operational specifications of security systems utilized at
157 any [state-owned] government-owned or leased institution or facility,
158 except that a general description of any such security system and the
159 cost and quality of such system, may be disclosed;

160 [(D)] (iv) Training manuals prepared for [state-owned] government-
161 owned or leased institutions or facilities that describe, in any manner,
162 security procedures, emergency plans or security equipment;

163 [(E)] (v) Internal security audits of [state-owned] government-
164 owned or leased institutions or facilities;

165 [(F)] (vi) Minutes or [recordings] records of meetings, [of the
166 Department of Public Works or the Judicial Department,] or portions

167 of such minutes or [recordings] records, that contain or reveal
168 information relating to security or other records otherwise exempt
169 from disclosure under this subdivision; [and]

170 [(G)] (vii) Logs or other documents that contain information on the
171 movement or assignment of security personnel at [state-owned]
172 government-owned or leased institutions or facilities; and

173 (viii) Emergency plans and emergency recovery or response plans;

174 (20) Records of standards, procedures, processes, software and
175 codes, not otherwise available to the public, the disclosure of which
176 would compromise the security or integrity of an information
177 technology system.

178 Sec. 2. Subsection (d) of section 1-210 of the general statutes is
179 repealed and the following is substituted in lieu thereof (*Effective*
180 *October 1, 2002*):

181 (d) Whenever a public agency, except the Judicial Department or
182 Legislative Department, receives a request from any person for
183 disclosure of any records described in subdivision (19) of subsection
184 (b) of this section, as amended by this act, under the Freedom of
185 Information Act, the public agency shall promptly notify the
186 Commissioner of Public Works of such request, in the manner
187 prescribed by the commissioner, before complying with the request as
188 required by the Freedom of Information Act. If the commissioner, after
189 consultation with the chief executive officer of the applicable agency,
190 believes the requested record is exempt from disclosure pursuant to
191 subdivision (19) of subsection (b) of this section, as amended by this
192 act, the commissioner may direct the agency to withhold such record
193 from such person. In any appeal brought under the provisions of
194 section 1-206 of the Freedom of Information Act for denial of access to
195 records for any of the reasons described in subdivision (19) of
196 subsection (b) of this section, as amended by this act, such appeal shall
197 be against the Commissioner of Public Works, exclusively, or, in the

198 case of records concerning Judicial Department facilities, the Chief
199 Court Administrator or, in the case of records concerning the
200 Legislative Department, the executive director of the Joint Committee
201 on Legislative Management.

202 Sec. 3. Subsection (b) of section 4b-131 of the general statutes is
203 repealed and the following is substituted in lieu thereof (*Effective*
204 *October 1, 2002*):

205 (b) No provision of the Freedom of Information Act, as defined in
206 section 1-200, as amended, shall be construed to require the disclosure
207 of records in any form concerning (1) security measures in [state-
208 owned] government-owned or leased facilities, (2) security audit
209 recommendations for [state-owned] government-owned or leased
210 facilities, or (3) future security measures to be implemented in [state-
211 owned] government-owned or leased facilities."

This act shall take effect as follows:	
Section 1	<i>October 1, 2002</i>
Sec. 2	<i>October 1, 2002</i>
Sec. 3	<i>October 1, 2002</i>